

BREXIT HEALTH DEBATE – 8 NOVEMBER 2016

Contribution to speeches

Regulation and cross-border mobility of Health and Social Care Professionals

- Registration is central to ensuring that our health and social care professionals are fit to practise, regardless of where they come from or where they qualified.
- Consistent recognition of qualifications across national boundaries facilitates professional mobility across the EU and the wider European Economic Area and is a considerable benefit for recruiting employers.
- The Regulations enacting the very latest EU Directive on professional qualifications were transposed into UK law for the social work sector by BIS in January (2016).
- To work in the social services workforce in Scotland social workers and specific groups of social services workers must register with the Scottish Social Services Council, the regulator of the workforce in Scotland. A criteria for registration is that an applicant must meet the qualification criteria set by the SSSC. Where a worker applies for registration with a non-UK qualification, the SSSC will assess it against the set criteria for the role in Scotland.
- If the qualification and any post-qualifying learning does not fully meet the criteria for registration, the SSSC will ask the applicant to complete a compensatory measure before they proceed any further with the application'
- The Department of Health has also recently laid Regulations on the recognition provisions for Doctors, Dentists, Nurses, Midwives and Pharmacists. These will come into force around 10 days from now.
- I have written to the Philip Dunne, Minister of State for Health (13th September), urging him to look closely at every potential option for maintaining this parity of professional qualifications going forward into negotiations.

[REDACTED]

[REDACTED]



Background

The exact nature of the EU exit, including access to the single market, will influence the changes that will have to be made to professional healthcare legislation.

The key issue for professional regulation is the free movement of workers. In particular, EU Directive 2005/36/EC on the Recognition of Professional Qualifications facilitates professional mobility within the EU by standardising criteria for recognition of the qualifications of a member of a regulated profession who wishes to practise in a second Member State.

The European Commission proposed in December 2011 that the existing legislation be revised as part of the twelve priority measures of the Single Market Act for promoting growth and job creation, the primary aim being more efficient recognition and improved mobility of skilled workers across the EU.

Revising Directive 2013/55/EU adopted changes which included, among other things, a common competence framework for general care nurses, clarity on language checking rights, and the concept of a European Professional Card (EPC - which is actually a collection of relevant electronic data to facilitate recognition of qualifications across Member States).

Because this Directive is under the auspices of the Commissioner for Internal Market and Services, the Department for Business Innovation and Skills led on this portfolio for the UK Government as the lead Member State department, supported by Department for Health (DH) for the "sectoral professions", which includes all regulated health and social care professions to which the Directive currently applies.

The statutory regulators are the UK's *Competent Authorities* with member state powers and responsibilities under the Directive, with DH's primary role being to transpose the provisions for the sectoral healthcare professions into national statute.

Workforce colleagues have concerns about potential constraints on NHS Scotland's continued ability to recruit members of the sectoral professions from EU member states. **These concerns are likely to be shared across the health services of all four countries.**

Withdrawal from the EU will in theory return to the statutory regulators the power to apply to applicants from the European Economic Area (EEA) the same language and clinical skills tests that are already applied to "overseas" applicants from outside the EEA.

If the wholly reserved regulators were to choose this route, the stricter criteria would also apply to applicants wishing to work in Scotland. However, it's important to note that as these provisions have already been transposed, in some if not all cases, the regulator's rules would first need to be amended by subordinate legislation, which could take a year or longer to pass through parliamentary processes following such a decision.

